

CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

SENATE DAILY JOURNAL

TWENTY-FIFTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, February 10, 2011

The Senate met at 9 a.m.

Hon. S. Joseph Simitian, of the 11th District, presiding.

Secretary Greg Schmidt at the Desk.

Assistant Secretary Zachary L. Twilla reading.

QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.

The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

PROCEEDINGS UNDER QUORUM CALL OF THE SENATE

ROLL CALL

The roll was called and the following Senators answered to their names:

Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lowenthal, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, and Yee—34.

Quorum present.

(NOTE: Senator Padilla will be excused this day on legislative business, Senator Liu will be excused this day on personal business, Senator Negrete McLeod will be excused this day due to illness, and Senator Wyland will be excused this day on legislative business (waiving per diem).)



PRAYER

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

The psalmist calls out to us and says: Give thanks to the Eternal One, for God is good; God's love endures forever. (Psalm 106:1)

God's goodness and love is made manifest in the world around us in the many miracles we take for granted each day, our health, our livelihoods, our families and friends.

But when we remember to stop and give thanks for the many blessings that God has given us, we also become open to recognizing the blessings we are capable of both giving and receiving from each other as well.

May our hearts always be open to God's goodness and love, so that our actions become a reflection of the Holy One's presence in this world.

May this be God's will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Berryhill led the Senate in the pledge of allegiance to the Flag.

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **SB 69, SB 70, SB 71, SB 72, SB 73, SB 74, SB 75, SB 76, SB 77, SB 78, SB 79, SB 80, SB 81, SB 82, SB 83, SB 84, SB 85, SB 86, SB 87, SB 89, SB 90, SB 91, SB 92, SB 93, SB 94, SB 95, SB 96, SB 97, SB 98, and SB 99** were withdrawn from Committee and placed on second reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill 69—An act relating to the Budget Act of 2011.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 70—An act relating to the Budget Act of 2011.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 71—An act relating to the Budget Act of 2011.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 72—An act relating to the Budget Act of 2011.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 73—An act relating to the Budget Act of 2011.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 74—An act relating to the Budget Act of 2011.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 75—An act relating to the Budget Act of 2011.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 76—An act relating to the Budget Act of 2011.

Bill read second time, ordered engrossed, and to third reading.



Senate Bill 77—An act relating to the Budget Act of 2011.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 78—An act relating to the Budget Act of 2011.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 79—An act relating to the Budget Act of 2011.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 80—An act relating to the Budget Act of 2011.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 81—An act relating to the Budget Act of 2011.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 82—An act relating to the Budget Act of 2011.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 83—An act relating to the Budget Act of 2011.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 84—An act relating to the Budget Act of 2011.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 85—An act relating to the Budget Act of 2011.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 86—An act relating to the Budget Act of 2011.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 87—An act relating to the Budget Act of 2011.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 89—An act relating to the Budget Act of 2011.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 90—An act relating to the Budget Act of 2011.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 91—An act relating to the Budget Act of 2011.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 92—An act relating to the Budget Act of 2011.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 93—An act relating to the Budget Act of 2011.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 94—An act relating to the Budget Act of 2011.
Bill read second time, ordered engrossed, and to third reading.



Senate Bill 95—An act relating to the Budget Act of 2011.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 96—An act relating to the Budget Act of 2011.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 97—An act relating to the Budget Act of 2011.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 98—An act relating to the Budget Act of 2011.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 99—An act relating to the Budget Act of 2011.
Bill read second time, ordered engrossed, and to third reading.

RECESS

At 9:09 a.m., on motion of Senator Simitian the Senate recessed in order to convene in First Extraordinary session.

REASSEMBLED

At 9:10 a.m., the Senate reconvened.

Hon. S. Joseph Simitian, of the 11th District, presiding.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to legislative business: Senator Padilla.

The following Senator was granted leave of absence for the day due to personal business: Senator Liu.

The following Senator was granted leave of absence for the day due to illness: Senator Negrete McLeod.

The following Senator was granted leave of absence for the day due to legislative business (waiving per diem): Senator Wyland.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 9:14 a.m., on motion of Senator Steinberg, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Steinberg moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Monday, February 14, 2011.

Motion carried.



REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, February 10, 2011

The Committee on Rules has referred the following measures to committee:

Education—SB 107, SB 114, SB 128, SB 132, SB 140.

Elections and Constitutional Amendments—SB 106, SB 109, SB 141.

Governance and Finance—SB 112, SB 113, SB 116, SB 134, SB 156, SB 164.

Governmental Organization—SB 118, SB 120, SB 152, SB 153, SB 162.

Health—SB 105, SB 122, SB 136, SB 155.

Human Services—SB 119.

Judiciary—SB 110, SB 111, SB 129, SB 154, SB 163.

Labor and Industrial Relations—SB 104, SB 127.

Natural Resources and Water—SB 108, SB 133.

Public Employment and Retirement—SB 115, SB 151.

Public Safety—SB 49, SB 123, SB 124, SB 139.

Rules—SB 103, SB 121, SB 130, SB 131, SB 135, SB 137, SB 138, SB 142, SB 143, SB 144, SB 145, SB 149, SB 150, SB 157, SB 158, SB 159, SB 160.

Transportation and Housing—SB 125, SB 126.

The Committee on Rules has re-referred the following measure to committee:

Public Safety—SB 26.

The Committee on Rules has re-referred the following measure to two committees:

Energy, Utilities and Communications and Transportation and Housing—SCR 6.

The Committee on Rules has referred the following measures to two committees:

Business, Professions and Economic Development and Judiciary—SB 146.



Education and Energy, Utilities and Communications—SB 148.

Education and Health—SB 161.

Governmental Organization and Judiciary—SB 117.

Governmental Organization and Rules—SB 1.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

Senate Bill 243: By Senator Wyland—An act to amend Section 51225.3 of the Education Code, relating to high school graduation.

Senate Bill 244: By Senator Wolk (Coauthors: Senators Price and Rubio) (Coauthor: Assembly Member Perea)—An act to add Section 65302.10 to the Government Code, relating to land use.

Senate Bill 245: By Senator Rubio—An act relating to energy.

Senate Bill 246: By Senator De León—An act to amend Section 38505 of, and to add Section 38573 to, the Health and Safety Code, relating to air pollution.

Senate Bill 247: By Senator Wyland—An act to amend Section 707 of the Welfare and Institutions Code, relating to minors.

Senate Bill 248: By Senator Wyland—An act to amend Section 296 of the Penal Code, relating to forensic specimens.

Senate Bill 249: By Senator Yee (Principal coauthor: Assembly Member Ma)—An act to add Section 4132 to the Food and Agricultural Code, relating to district agricultural associations.

Senate Bill 250: By Senator Rubio—An act to amend Section 3203 of the Public Resources Code, relating to oil and gas.

Senate Bill 251: By Senator Correa—An act to add Section 12801.3 to the Vehicle Code, relating to vehicles.

Senate Bill 252: By Senator Vargas—An act to add Article 4.5 (commencing with Section 19135) to Chapter 5 of Part 2 of Division 5 of Title 2 of the Government Code, relating to public contracts.

Senate Bill 253: By Senator Alquist—An act to add Section 1367.605 to the Health and Safety Code, and to add Section 10123.815 to the Insurance Code, relating to health care coverage.



Senate Bill 254: By Senator Harman—An act to amend Section 2251 of the Family Code, relating to marriage.

Senate Bill 255: By Senator Pavley—An act to amend Section 1367.635 of the Health and Safety Code, and to amend Section 10123.86 of the Insurance Code, relating to health care coverage.

Senate Bill 256: By Senator Strickland—An act to repeal Sections 14165.1, 14165.2, 14165.3, and 14165.8 of, and to repeal and add Section 14165 of, the Welfare and Institutions Code, relating to Medi-Cal.

Senate Bill 257: By Senator Liu—An act relating to certificated employees.

Senate Bill 258: By Senator Wyland—An act to amend Section 245.5 of the Penal Code, relating to an offense likely to produce great bodily injury.

Senate Bill 259: By Senators Hancock, Price, and Yee (Coauthors: Assembly Members Ma, Skinner, Swanson, Williams, and Yamada)—An act to amend Section 3562 of the Government Code, relating to higher education employees.

Senate Bill 260: By Senator Cannella—An act to amend, repeal, and add Section 11100 of the Health and Safety Code, relating to controlled substances.

Senate Bill 261: By Senator Harman—An act to amend Section 3010 of the Family Code, relating to child custody.

Senate Bill 262: By Senator De León—An act relating to individual retirement accounts.

Senate Bill 263: By Senator Pavley—An act to amend Section 13752 of the Water Code, relating to water.

Senate Bill 264: By Senator Correa—An act to amend and repeal Section 115800 of the Health and Safety Code, relating to skateboard parks.

Senate Bill 265: By Senator La Malfa—An act to amend Section 82013 of the Government Code, relating to the Political Reform Act of 1974.

Senate Bill 266: By Senator Dutton—An act to amend Section 44956 of the Education Code, relating to education employment.



REQUESTS TO ADJOURN IN MEMORIAM

Senators Correa and Pavley requested that when the Senate adjourns this day it do so in memory of James “Jim” Frayne of Sacramento.

Senator Wright requested that when the Senate adjourns this day it do so in memory of McDowell Frazier of Los Angeles.

Senator Fuller requested that when the Senate adjourns this day it do so in memory of Bob Price of Bakersfield.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators’ requests until 2 p.m., Monday, February 14, 2011.

PAULA K. ROSSETTO, Minute Clerk

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